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7 Attorney for Jason Sherbino

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JASON SHERBINO,

14 Defendant.

15 Case No. 2:16-cr-226-APG-CWH

16 **UNOPPOSED MOTION TO**  
**CONDUCT A PRE-PLEA PRE-**  
**SENTENCE INVESTIGATION**  
**REPORT AND**

17 **ORDER**

18 The defendant, JASON SHERBINO, by and through his attorney of record, Brian Pugh,  
19 Assistant Federal Public Defender, files this Unopposed Motion to Conduct a Pre-Plea Pre-  
Sentence Investigation Report on Jason Sherbino.

20 On July 26, 2016, Mr. Sherbino was charged by indictment with Conspiracy to  
21 Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and  
22 846, and five counts of Distribution of a Controlled Substance in violation of 21 U.S.C. §§  
23 841(a)(1), (b)(1)(A)(viii), (b)(1)(B)(viii), and (b)(1)(C).

24 The parties are attempting to negotiate this case. The parties believe that they may be  
25 able to resolve this case short of trial. The parties are uncertain regarding the implications of  
26 Mr. Sherbino's criminal history on his potential sentencing guideline calculation. Mr.

1 Sherbino's criminal history calculation and his sentencing guideline range will necessarily  
2 affect the outcome and disposition of the case and/or potential negotiations. The parties are  
3 unable to definitively determine Mr. Sherbino's sentencing guideline range without knowing  
4 his entire criminal history and therefore, a pre-plea pre-sentence investigation report is  
5 requested.

To satisfy Mr. Sherbino's concerns, and to assure that he has the information he needs to make a truly knowing and intelligent decision as whether to accept or reject a plea offer, he has requested that a pre-plea pre-sentence investigation report be completed. Undersigned counsel has spoken with AUSA Brandon Jaroch and he does not oppose this motion. Trial in this matter is set for September 26, 2016.

For the reasons stated above, the parties respectfully request that a pre-plea pre-sentence investigation report be conducted in this matter.

13 | DATED this 15th day of August, 2016.

Respectfully Submitted,  
RENE L. VALLADARES  
Federal Public Defender

*/s/ Brian Pugh*  
By: \_\_\_\_\_  
**BRIAN PUGH**  
Assistant Federal Public Defender

1 UNITED STATES DISTRICT COURT  
2  
3 DISTRICT OF NEVADA

4 \* \* \*

5 UNITED STATES OF AMERICA,

Case No.: 2:16-cr-226-APG-CWH

6 Plaintiff,

7 vs.  
8  
**ORDER**

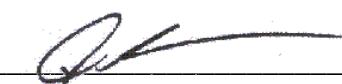
9 JASON SHERBINO,

10 Defendant.

11  
12 The reasons being sound, the parties being in agreement and the best interests of  
13 justice and judicial economy being served:

14 IT IS HEREBY ORDERED that the Probation Department prepare a pre-plea  
15 presentence investigation report for JASON SHERBINO within 60 days of entry of this  
16 Order.

17 Dated: August 16, 2016.

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20 UNITED STATES DISTRICT JUDGE  
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